

WEDNESDAY, JANUARY 28, 2004

FIFTY-THIRD LEGISLATIVE DAY

CALL TO ORDER

The Senate met at 3:00 p.m., and was called to order by Mr. Speaker Wilder.

PRAYER

The proceedings were opened with prayer by Brother Michael Crowder of Jackson Street Church of Christ in Nashville, Tennessee, a guest of Senator Harper.

PLEDGE OF ALLEGIANCE

Senator Kilby led the Senate in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 33

Senators present were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--33.

STANDING COMMITTEE REPORTS

STATE AND LOCAL GOVERNMENT

MR. SPEAKER: Your Committee on State and Local Government begs leave to report that we have carefully considered and recommend for passage: Senate Bill No. 2095; and Senate Joint Resolution No. 683.

COHEN, Chairperson
January 27, 2004

The Speaker announced that he had referred Senate Bill No. 2095; and Senate Joint Resolution No. 683 to Committee on Calendar.

COMMERCE, LABOR AND AGRICULTURE

MR. SPEAKER: Your Committee on Commerce, Labor and Agriculture begs leave to report that we have carefully considered and recommend for passage: Senate Joint Resolution No. 699 with amendment.

COOPER, Chairperson
January 27, 2004

The Speaker announced that he had referred Senate Joint Resolution No. 699 with amendment to Committee on Calendar.

JUDICIARY

MR. SPEAKER: Your Committee on Judiciary begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 2097 and 2504.

PERSON, Chairperson
January 27, 2004

The Speaker announced that he had referred Senate Bills Nos. 2097 and 2504 to Committee on Calendar.

EDUCATION

MR. SPEAKER: Your Committee on Education begs leave to report that we have carefully considered and recommend for passage: Senate Bill No. 2098.

McNALLY, Chairperson
January 28, 2004

The Speaker announced that he had referred Senate Bill No. 2098 to Committee on Calendar.

TRANSPORTATION

MR. SPEAKER: Your Committee on Transportation begs leave to report that we have carefully considered and recommend that Senate Bill No. 2061 be referred to Committee on Finance, Ways and Means.

WILLIAMS, Chairperson
January 28, 2004

The Speaker announced that he had referred Senate Bill No. 2061 to Committee on Finance, Ways and Means.

INTRODUCTION OF BILLS

The Speaker announced that the following bills were filed for introduction and passed first consideration:

Senate Bill No. 3084 by Senator Haynes.

Education -- Provides for consolidation of school systems to one per county by September 1, 2004. Amends TCA Title 49.

Senate Bill No. 3085 by Senator Cohen.

Tennessee Higher Education Commission -- Merges UT system into board of regents; gives THEC power to terminate programs at all institutions of higher education. Amends TCA Title 49, Chapter 7; Title 49, Chapter 8 and Title 49, Chapter 9.

Senate Bill No. 3086 by Senator Ketron.

Marshall County -- Subject to local approval, revises hotel/motel tax concerning imposition of civil penalty for violation. Amends Chapter 30 of the Private Acts of 1993.

Senate Bill No. 3087 by Senator Ketron.

Local Education Agency -- Requires construction of earthquake/tornado "safe spaces" in new school construction. Amends TCA Title 49, Chapter 6, Part 20 and Title 68, Chapter 120.

Senate Bill No. 3088 by Senator Miller.

Alcoholic Beverages -- Permits direct shipment of wine from a winery to the residence or place of business of an adult consumer who is 21 years of age or older in certain circumstances. Amends TCA Title 57, Chapter 3, Part 2 and Title 57, Chapter 3, Part 4.

Senate Bill No. 3089 by Senator Fowler.

Fireworks -- Authorizes City of East Ridge to sell at retail Class C common fireworks; provisions of Title 68, Chapter 104, Part 1 regulating fireworks apply to such sales.

Senate Bill No. 3090 by Senator Ford.

Equalization Board -- Allows for direct appeals to the state board of equalization by property owners under certain circumstances. Amends TCA Title 67, Chapter 5.

Senate Bill No. 3091 by Senator Ford.

Equalization Board -- Adds legislative intent language concerning assessment of tangible personal property to the Agricultural, Forest, and Open Space Land Act of 1976. Amends TCA Title 67.

Senate Bill No. 3092 by Senator Jackson.

Taxes, Privilege -- Abolishes the professional privilege tax for audiologists and speech pathologists. Amends TCA Title 67, Chapter 4, Part 17.

Senate Bill No. 3093 by Senator Clabough.

Firefighters -- Authorizes payment of \$25,000 to estate of firefighter killed in the line of duty. Amends TCA Title 7, Chapter 51, Part 2.

HOUSE BILLS ON FIRST CONSIDERATION

The Speaker announced that the following House Bills were transmitted to the Senate and passed first consideration:

House Bill No. 2139 -- Warren County -- Subject to local approval, removes limit on purchasing power of superintendent of roads. Amends Chapter 61 of the Private Acts of 1959; as amended.

House Bill No. 2150 -- Hornsby -- Subject to local approval, changes town election from June to November; makes it permissive, instead of mandatory, that Recorder be member of board of mayor and aldermen. Amends Chapter 112 of the Private Acts of 1920 (Ex. Sess.); as amended.

House Bill No. 2189 -- Marshall County -- Subject to local approval, revises hotel/motel tax concerning imposition of civil penalty for violation. Amends Chapter 30 of the Private Acts of 1993.

INTRODUCTION OF RESOLUTIONS

The Speaker announced that the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

Senate Joint Resolution No. 700 by Mr. Speaker Wilder.
Memorials, Death -- Jack D. Tapp.

Senate Joint Resolution No. 701 by Senator Crutchfield.
Memorials, Retirement -- Reverend Herbert H. Wright.

Senate Joint Resolution No. 702 by Senator Kurita.
Constitutional Amendments -- Proposes amendments to provide for popular election of the office of secretary of state, the office of attorney general and reporter, the office of state treasurer, and the office of state comptroller of the treasury.

Senate Joint Resolution No. 703 by Senator Fowler.
Memorials, Sports -- Boyd-Buchanan High School, 2003 TSSAA Class A Football State Championship.

Senate Joint Resolution No. 704 by Senator Jackson.
Memorials, Recognition -- Larry Davis, 2003 South Lawrence Citizen of the Year.

RESOLUTIONS LYING OVER

House Joint Resolution No. 739 -- Memorials, Retirement -- Larry Wallace.

The Speaker announced that he had referred House Joint Resolution No. 739 to Committee on Calendar.

House Joint Resolution No. 784 -- Memorials, Sports -- Germantown High School, 2003 TSSAA Class 5A Football Champions.

The Speaker announced that he had referred House Joint Resolution No. 784 to Committee on Calendar.

House Joint Resolution No. 785 -- Memorials, Recognition -- Dixie Greyhound Bus Lines Complex placement on the National and Tennessee Registers of Historic Places.

The Speaker announced that he had referred House Joint Resolution No. 785 to Committee on Calendar.

House Joint Resolution No. 786 -- Memorials, Death -- Henry Watson "Jack" Hall, Jr.

The Speaker announced that he had referred House Joint Resolution No. 786 to Committee on Calendar.

NOTICE

MESSAGE FROM THE HOUSE

January 26, 2004

MR. SPEAKER: I am directed to request the return of House Joint Resolution No. 579, for further consideration.

BURNEY T. DURHAM,
Chief Clerk.

CONSENT CALENDAR

Objections having been raised, the following resolution was placed at the heel of the calendar for Thursday, January 29, 2004, pursuant to Rule 38: **Senate Resolution No. 112.**

House Joint Resolution No. 768 -- Memorials, Professional Achievement -- Dr. Joseph A. Little, Jr., 2004 Heart Ball honoree.

House Joint Resolution No. 771 -- Memorials, Professional Achievement -- Washington County Sheriff's Office, CALEA Reaccreditation.

House Joint Resolution No. 772 -- Memorials, Personal Achievement -- Conrad Reiber, Book of Golden Deeds.

House Joint Resolution No. 775 -- Memorials, Death -- Arthur Acklin "Art" Beesley.

House Joint Resolution No. 777 -- Memorials, Academic Achievement -- Amysue Ryan, All-Tennessee Academic Scholar.

House Joint Resolution No. 778 -- Memorials, Personal Occasion -- Mildred Ribble, 100th birthday.

House Joint Resolution No. 779 -- Memorials, Academic Achievement -- 2004 Phi Theta Kappa All-Tennessee Academic Team.

House Joint Resolution No. 781 -- Memorials, Death -- Congressman James Henry Quillen.

House Joint Resolution No. 783 -- Memorials, Recognition -- 14th Annual ATHENA Celebration.

Senate Resolution No. 113 -- Memorials, Retirement -- Linda Speir-Gebhardt.

Senate Joint Resolution No. 688 -- Memorials, Death -- Judge Paul R. Summers.

Senate Joint Resolution No. 689 -- Memorials, Heroism -- Second Lieutenant Richard Torres, United States Army.

Senate Joint Resolution No. 691 -- Memorials, Recognition -- Mt. Pleasant Commercial Historic District.

Senate Joint Resolution No. 692 -- Memorials, Recognition -- Culleoka FFA Alumni.

Senate Joint Resolution No. 693 -- Memorials, Sports -- Fulton High School Falcons, 2003 TSSAA Class AAA Football Champions.

Senate Joint Resolution No. 696 -- Memorials, Recognition -- Andrea Fanta, Rotary International Ambassadorial Scholar.

Senator Crowe moved that all Senate Joint Resolutions and Senate Resolutions be adopted; and all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

Ayes 32
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

CALENDAR

Senator Harper moved that **Senate Bill No. 2080** be placed on the calendar for Wednesday, February 11, 2004, which motion prevailed.

RECALL OF BILL

On motion of Senator Henry, **Senate Bill No. 2424** was recalled from the Committee on State and Local Government.

WITHDRAWAL OF BILL

On motion of Senator Henry, Senate Bill No. 2424 was withdrawn from the Senate.

RECALL OF BILL

On motion of Senator McNally, **Senate Bill No. 2836** was recalled from the Committee on Education.

WITHDRAWAL OF BILL

On motion of Senator McNally, Senate Bill No. 2836 was withdrawn from the Senate.

MOTION

Senator Graves moved that the rules be suspended for the immediate introduction and consideration of **Senate Joint Resolution No. 705**, out of order, which motion prevailed.

INTRODUCTION OF RESOLUTION

Senate Joint Resolution No. 705 by Senator Graves.
Memorials, Death -- Staff Sgt. Joseph P. Bellavia.

On motion of Senator Graves, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 705** was adopted by the following vote:

Ayes 33
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--33.

A motion to reconsider was tabled.

MOTION

Senator Crutchfield moved that the rules be suspended for the immediate introduction and consideration of **Senate Joint Resolution No. 710**, out of order, which motion prevailed.

INTRODUCTION OF RESOLUTION

Senate Joint Resolution No. 710 by Senator Crutchfield.
General Assembly, Joint Conventions -- Budget address by Governor Bredesen, February 2, 2004.

On motion of Senator Crutchfield, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 710** was adopted by the following vote:

Ayes 32
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

RECALL OF BILL

On motion of Senator Fowler, **Senate Resolution No. 112** was recalled from the Committee on Calendar.

WITHDRAWAL OF BILL

On motion of Senator Fowler, Senate Resolution No. 112 was withdrawn from the Senate.

MOTION

On motion of Senator Ketron, his name was added as sponsor of **Senate Bill No. 2336**.

On motion of Senator Atchley, his name was added as sponsor of **Senate Bill No. 2797 and House Joint Resolution No. 693**.

On motion, all Senators' names were added as sponsors of **House Joint Resolution No. 781**.

On motion, all Senators' names were added as sponsors of **Senate Joint Resolutions Nos. 688 and 689; and House Joint Resolution No. 775**.

On motion of Senator Crowe, his name was added as sponsor of **House Joint Resolution No. 771**.

On motion of Senators Harper, Henry, Graves and Haynes, their names were added as sponsors of **House Joint Resolution No. 783**.

On motion of Senator Crutchfield, his name was added as sponsor of **Senate Bill No. 2322**.

On motion of Senators Dixon and McLeary, their names were added as sponsors of **Senate Bill No. 2456**.

On motion of Senator Trail, his name was added as sponsor of **House Joint Resolution No. 768**.

On motion of Senator Dixon, his name was added as sponsor of **House Joint Resolution No. 772**.

On motion of Senators Cooper, Clabough, Dixon, Bryson, Crutchfield, Graves, Norris, Trail and Williams, their names were added as sponsors of **Senate Joint Resolution No. 699**.

On motion of Senator Henry, his name was added as sponsor of **House Joint Resolution No. 778 and Senate Joint Resolution No. 691**.

On motion of Senator Graves, her name was added as sponsor of **House Joint Resolution No. 779**.

On motion of Senator Herron, his name was added as sponsor of **Senate Joint Resolution No. 696**.

ENGROSSED BILLS

January 28, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Joint Resolution No. 689, and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

ENGROSSED BILLS

January 28, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Joint Resolutions Nos. 688, 691, 692, 693, 696, 705 and 710; and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

MESSAGE FROM THE HOUSE

January 28, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 793, 794, 795, 796 and 798; adopted, for the Senate's action.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

January 28, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 673, 674, 675, 676, 677, 678, 679, 680 and 681; concurred in by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

January 28, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2011, substituted for House Bill on same subject and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE GOVERNOR

January 27, 2004

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Joint Resolution No. 687, with his approval.

ROBERT E. COOPER, JR.,
Counsel to the Governor.

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following resolution on the calendar for Thursday, January 29, 2004: Senate Resolution No. 110.

This the 27th day of January, 2004.
CROWE, Chairperson.

ADJOURNMENT

Senator Crutchfield moved the Senate adjourn until 9:00 a.m., Thursday, January 29, 2004, which motion prevailed by the following vote:

Ayes 27
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Clabough, Crowe, Crutchfield, Dixon, Ford, Graves, Harper, Haynes, Henry, Herron, Jackson, Kilby, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--27.